

Kenneth Harry  
Name  
6735 Freebird Cir.  
Mailing address  
Anchorage, AK 99507  
City, State, Zip  
907-891-3380  
Telephone

RECEIVED

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CLERK, U.S. DISTRICT COURT  
ANCHORAGE, AK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

Kenneth Harry,  
(Enter full name of plaintiff in this action)

Plaintiff,

vs.

Case No. 3:21-cv-00205-SLG  
(To be supplied by Court)

Municipality of Anchorage; A.P.D.,  
Alaska Legislature,  
Parties still to be named,  
(Enter full names of defendant(s) in this action.  
Do NOT use *et al.*)

Defendant(s).

COMPLAINT UNDER  
THE CIVIL RIGHTS ACT  
42 U.S.C. § 1983

(NON-PRISONERS)

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you assert jurisdiction under any different or additional authorities, please list them below:

U.S. Supremacy Clause; U.S. Constitution Art. I § 9 cl. 3

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Kenneth Harry,  
(print your name)

who presently resides at (Homeless) 6735 Freebird Cir. Anch, AK 99507,  
(mailing address)

were violated by the actions of the individual(s) named below.

2. **Defendants** (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Municipality of Anchorage is a citizen of Alaska, and is employed as a Municipality Law enforcer.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Alaska legislature is a citizen of Alaska, and is employed as a Law making Body of Government.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Anchorage Police Department is a citizen of Alaska, and is employed as a Public Servant - Officer of the law.  
(name) (state) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☒ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

**C. Causes of Action** (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").



Claim 1: On or about 2015-2016, my civil right to  
(Date)

Due Process

(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by The Municipality of Anchorage  
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

I was arrested for OUI (operating under the Influence), in a vehicle that  
that was out of gas, and I was NOT the driver, and the vehicle DID  
NOT OPERATE. I was forced into an unconscionable Plea bargain, as  
my Father was on his deathbed and I was frantic to be by his side.  
The Officer of the Municipality pulled up to inspect why my vehicle was  
in the road stopped, I explained to the officer my vehicle was out of gas  
and that the Driver, who was sober, co-owner by title, had gone  
for gas. I reached for the keys in the ignition to demonstrate that  
The vehicle DID NOT OPERATE, I turned the Key, with no  
operational results. I was then arrested for OUI, After the  
Arrest for OUI, at the jail, the officer requested a breathalyzer.  
In accordance with the U.S. Constitution, and the Alaska Constitution  
I refused to incriminate myself in the completion of a crime and  
was therefore charged with the offense of failure to provide a  
breathalyzer. At no point did anyone witness me OPERATING  
the vehicle at that time because it was a physical impossibility,  
without gas, to OPERATE that vehicle.

Claim 2: On or about 2015-2016, my civil right to \_\_\_\_\_, (Date)

Freedom from Cruel and Unusual Punishment

(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by Alaska Legislature

(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

The enactment of <sup>this</sup> law, by its vague non-sensicle terminology, has subject me to imprisonment, and through a subsequent statute, has caused me to loose my vehicle, by being subjected to a Bill of pains that violates Double Jeopardy. This agencys carelessness and neglect caused me to miss being able to see my mother & Father for the last time, alive. They have stopped my ability to move about Freely. This action directly caused a parole violation, further compounding the injuries exclaimd by another filing before this Court as my parole was violated where I had committed no crime in this instance. Now, I am unable to drive, as I cannot afford to obtain the breathlock device to complete my subsequent punishment in order to drive to work. This "Bill of Pains" by requiring that I use a breathlock device is restricting my liberties causing a continuing injury to this day, creating a hardship on the petitioner further causing his homelessness and aiding in his inability to find employment.



Claim 3: On or about 2015-2016, my civil right to

Freedom from ~~Cruel~~ & Unusual Punishment <sup>(Date)</sup>

(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc. List **only one** violation.)

was violated by The Anchorage Police Department

(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

I was investigated by this agency and arrested, and further convicted, where I had committed no crime in violation of Anchorage municipal criminal code. I was arrested, even outside the scope of this vague law, for OUI in a vehicle that did not OPERATE. At no juncture did the APD witness me, or have report, that I operated a vehicle under the influence. This agency directly caused my injury by its arrest of my persons where I was not in violation of any law - by its logical terminology and applicable meaning, thus falsely arresting the petitioner and being the direct cause and aid in causing his hardships that are current and continuing. There exists no municipal code, even if it was the case, which it was NOT, ~~that~~ that permits arrest on "ATTEMPTED" OUI.

#### D. Previous Lawsuits

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action, or otherwise relating to your imprisonment? \_\_\_\_\_ Yes X No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket number: \_\_\_\_\_ Name of judge: \_\_\_\_\_

Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

Disposition: \_\_\_\_\_ Dismissed \_\_\_\_\_ Appealed \_\_\_\_\_ Still pending

Issues Raised: \_\_\_\_\_

b. Lawsuit 2:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

Name and location of court: \_\_\_\_\_

Docket number: \_\_\_\_\_ Name of judge: \_\_\_\_\_

Approximate date case was filed: \_\_\_\_\_ Date of final decision: \_\_\_\_\_

Disposition: \_\_\_\_\_ Dismissed \_\_\_\_\_ Appealed \_\_\_\_\_ Still pending

Issues Raised: \_\_\_\_\_

#### F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 10,000,000.00

2. Punitive damages in the amount of \$ 59,000,000.00
3. An order requiring defendant(s) to siest and desist the harmful actions
4. A declaration that the Term operating is vague and overbroad
5. Other: An emergency injunction that halts the continuing injury
- Plaintiff demands a trial by jury. X Yes \_\_\_\_\_ No

### DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at Anchorage, Alaska on September 8<sup>th</sup>, 2021  
(Location) (Date)

Kristi Hargis  
(Plaintiff's Original Signature)

\_\_\_\_\_  
Original Signature of Attorney (if any) (Date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney's Address and Telephone Number